IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2692 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KRISHNASINH PRATAPSINH THAKORE - Petitioner(s)
Versus
STATE OF GUJ & 2 - Respondent(s)

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Appearance :
MR KEYUR VYAS WITH MR PRAKASH K JANI for Petitioner(s) : 1,
MR DIPEN DESAI, AGP for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

and

HONOURABLE MR.JUSTICE M.R. SHAH

Date : 15/06/2006

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

Mr. Keyur Vyas and Mr. P.K. Jani, learned counsel for the petitioner.

1. By this petition under Article 226 of the Constitution, the petitioner – Krishnasinh Pratapsinh Thakor, who suffered defeat in the in-house elections has challenged the action of some of the independent candidates who did not vote in his favour and has also challenged the order passed by the appropriate authority. He submits that if the independent candidates had contested the elections under one common symbol and flag, so also under the common covenant, then, each independent candidate was obliged to observe the whip issued by the Chairman/President/Convenor of the group and as they have not so done, they are liable to be disqualified under the Act.

2. Ordinarily, we would have entered into the merits of the submissions and legality of the provisions of law, but the elections were for five years only and period of the elected body has come to an end probably in 1991, since

thereafter, two more elections must have taken place. Under the circumstances, the petitioner, even if he satisfies us in relation to other submissions, he cannot get any relief. We dismiss the petition as infructuous. Rule is discharged. Interim relief, if any, stands vacated. No orders as to costs.

[R.S. GARG, J.]

[M.R. SHAH, J.]

pirzada/-